

ARTICLE I. PAWNBROKERS**Sec. 951-101. Definitions.**

For the purpose of this article the following terms shall mean:

- (a) *Pawnbroker*: Pawnbroker means any person, partnership, association, or corporation who lends money on the deposit or pledge of personal property, or who deals in the purchase of personal property on the condition of selling the property back again at a stipulated price, other than choses in action, securities, or printed evidence of indebtedness.
- (b) *Pledge*: Pledge means personal property deposited with a pawnbroker as security for a loan.
- (c) *Pledger*: Pledger means the person who delivers personal property into the possession of a pawnbroker as security for a loan unless such person discloses that the person is or was acting for another; and in such event "pledger" means the disclosed principal.
- (d) *Person*: Person means an individual, a firm, an association, a limited liability company, a partnership, a joint stock association, a trust, or a corporation or any other entity capable of suing or being sued.

(G.O. 21, 1995, § 1)

Cross references: Definitions generally, ch. 102.

Sec. 951-102. License required.

It shall be unlawful for any person to engage in the business of pawnbroker without first obtaining a license therefor from the controller. In order to sell secondhand goods, it is not required that a pawnbroker also obtain a license to be a dealer in secondhand goods for the pawnbroker's licensed business location.

(G.O. 21, 1995, § 1)

Sec. 951-103. Application for license.

All applicants shall, as a condition for the granting of a license and on a portion of the application provided by the controller, agree that in the event the applicant as licensee receives personal property of any kind which is stolen, he claims no right, title or interest in or to such personal property, and that upon request by any law enforcement officer having jurisdiction over the location of his place of business, he will voluntarily surrender such personal property to the possession of that law enforcement agency when given a receipt for the same.

(G.O. 21, 1995, § 1)

Sec. 951-104. License fees.

The annual fee for a license required by this article shall be two hundred dollars (\$200.00) for each place of business of the licensee.

(G.O. 21, 1995, § 1)

Sec. 951-105. Unlawful purchases.

It shall be unlawful for any licensee under this article to receive any articles in the course of his business from any person who is in an intoxicated condition, a minor or who is known or suspected by him to have acquired and be disposing of such articles unlawfully.

(G.O. 21, 1995, § 1)

Sec. 951-106. Record book to be kept.

(a) Every licensee under this article shall keep and preserve a record book in which shall be legibly written in ink an accurate description in the English language of all articles pawned and the amount of money loaned thereon; the time of the transaction; the name, address, telephone number, age, color, height, weight, complexion, style of beard or mustache, any visible distinctive marks or conditions, style of dress of the person pawning the articles; and the number of the pawn ticket issued therefor.

(b) The record book required to be kept by subsection (a) shall be open to inspection at all reasonable times by the police or the controller.

(c) In addition to the above records, every licensee under this article shall provide a list of serialized articles that have been acquired by transfers from any location other than the consolidated city and county to the local law enforcement agency having jurisdiction over the locations of the licensee's place of business no later than the next business day after the articles are received.

(G.O. 21, 1995, § 1)

Sec. 951-107. Card record for police.

In addition to the record book required by this article, all licensees under this article shall at the time of receiving any pawned articles fill out a three-inch by five-inch card for each article pawned. Each card shall contain the information required to be kept by licensees under this article, and the right thumbprint of the person pawning or selling the article; if the right thumb is missing, any of the person's fingerprints may be used. The thumbprint shall be made in the manner approved by the local law enforcement agency and shall not be blurred or obliterated. The licensees shall mail these cards to the local law enforcement agency having jurisdiction over the location of the licensee's place of business no later than the next business day after the item of personal property is received.

(G.O. 21, 1995, § 1)

Sec. 951-108. Retention of acquired personal property.

All personal property received by a licensee under this article shall be held intact by the licensee for at least seven (7) business days after the licensee has mailed a copy of the record required to be maintained under state law, which details the item of personal property received, to the local law enforcement agency having jurisdiction over the location of his place of business. Whenever any licensee receives written notice, either from the local law enforcement agency or from an individual, that someone is maintaining a claim of right to possession of the personal property adverse to the licensee, the licensee shall keep the personal property in his possession for thirty (30) days or turn it over to the local law enforcement agency if so required by the local law enforcement agency. Once notice of an adverse claim to the article has been given under this section, the article shall be held for thirty (30)

days, during which legal proceedings may be commenced to determine who is entitled to the property. If the matter is not settled or legal proceedings have not been commenced within thirty (30) days, the property shall be returned to the pawnbroker by the local law enforcement agency if held by them.

(G.O. 21, 1995, § 1)

Sec. 951-109. Serial numbers required.

No pawnbroker shall accept as collateral security or for purchase any property of the type given manufacturer's serial numbers or other identifying insignia unless such property shall have plainly visible thereon the manufacturer's serial number or other identifying insignia.

(G.O. 21, 1995, § 1)

Sec. 951-110. Severability.

If any section, sentence, clause, word or other provision of this article, or any ordinance amendatory thereof or supplemental thereto, shall be held invalid, such fact shall not affect the validity of any other section, sentence, clause, word or other provision herein, which may be severable therefrom and be valid and capable of reasonable effect and application without such invalid portions, and to this end all such portions of this article are declared severable and shall be so construed whenever possible to do so.

(G.O. 21, 1995, § 1)

ARTICLE II. DEALERS IN SECONDHAND GOODS**Sec. 951-201. Applicability.**

This article shall not apply to retailers who primarily sell unused goods who, in the course of selling such unused goods, occasionally receive used goods as partial consideration for the sale of such unused goods, and dispose of the same by sale or otherwise.

(G.O. 21, 1995, § 1)

Sec. 951-202. Unlawful purchases.

It shall be unlawful for any dealer in secondhand goods to receive any articles in the course of his business from any person who is in an intoxicated condition, a minor or who is known or suspected by him to have acquired and be disposing of such articles unlawfully.

(G.O. 21, 1995, § 1)

Sec. 951-203. Record book to be kept.

(a) Every dealer in secondhand goods under this article who deals in firearms, jewelry, electronic items or equipment, tools, or any item originally marked with a serial number shall keep a record book in which shall be legibly written in ink in the English language at the time of receiving any goods the following: An accurate description of the article received; the amount of money paid for it; the exact time of the transaction; and the name, residence, address, telephone number, age, color, height, weight, complexion, style of beard or mustache, any visible distinguishing marks, style of dress, and number of any license badge of the person delivering the goods to the dealer in secondhand goods.

(b) The record book required to be kept by subsection (a) shall be open to inspection at all reasonable times by the police or the controller.

(G.O. 21, 1995, § 1)

Sec. 951-204. Card record for police.

(a) In addition to the record book required by this article, all dealers in secondhand goods under this article who deal in firearms, jewelry, electronic items or equipment, tools, or any item originally marked with a serial number shall fill out one (1) of the cards prescribed by subsection (b) for each article of firearm, jewelry, electronic items or equipment, tools, or other item originally marked with a serial number received. The dealer in secondhand goods shall fill out the front of each card in its entirety and the description of the customer on the back. The customer shall write in his own handwriting his name and address on the back of the card and place his right thumbprint in the space provided. If the right thumb is missing, any of the customer's fingerprints may be used. The thumbprint shall be made in the manner approved by the local law enforcement agency and shall not be blurred or obliterated.

(b) The cards required by subsection (a) which are to be filled out shall be in the following form:

REPORT OF SECONDHAND
PROPERTY RECEIVED

Article _____

Serial No. _____

Maker's Name _____

Color, Style, Design _____

Marks and Further Description _____

Purchase Price _____

Dealer's Name _____

Location _____

Date Reported _____, 19_____

(c) The back side of the card prescribed by subsection (b) shall be in the following form:

Signature _____

Address _____

Description of Customer--To be filled out by dealer _____

Sex _____ Age _____

Height _____ ft. _____ in.

Weight _____ lbs.

Race or Nationality _____

Clothing _____

Complexion _____

Right Thumbprint _____

(d) These cards shall be mailed by the dealer in secondhand goods to the local law enforcement agency no later than the next business day after the item of personal property is received.

(G.O. 21, 1995, § 1)

Sec. 951-205. Retention of acquired property.

All firearms, jewelry, electronic items and equipment, tools, or other items originally marked with a serial number received by a dealer in secondhand goods under this article shall be held intact by the dealer in secondhand goods for seven (7) business days after the dealer in secondhand goods has mailed the card to the local law enforcement agency as required by this article. Whenever any dealer in secondhand goods receives written notice, either from the police department or from an individual, that someone is maintaining a claim of right to possession of the firearm, jewelry, electronic items or equipment, tools, or other item originally marked with a serial number adverse to the dealer, the dealer shall keep the article in his possession or turn it over to the local law enforcement agency if so required by the local law enforcement agency. Once notice of an adverse claim to the article has been given under this section, the article shall be held for twenty (20) days, during which legal proceedings may be commenced to determine who is entitled to the property. If the matter is not settled or legal proceedings have not been commenced within twenty (20) days, the property shall be returned to the dealer in secondhand goods by the local law enforcement agency if held by them.

(G.O. 21, 1995, § 1)

Sec. 951-206. Reserved.

Editor's note: G.O. 183, 1997, § 20, passed Nov. 10, 1997, repealed § 951-206, which pertained to garage, patio and residence sales and derived from G.O. 21, 1995, § 1.